



American Samoa Law Enforcement Health

25.1601 Confinement of domestic animals-Impoundment and destruction.

Case Code : ASCA 25.1601 (1972)

(a) No pigs, goats, sheep, horses, cattle, or other domestic animals, other than fowl, cats and licensed dogs may be allowed to run loose. All such animals must be confined by fencing, or kept properly

25.1602 Distance animals to be kept from human habitat.

Case Code : ASCA 25.1602 (1972)

No owner or occupant may keep or allow to be kept upon premises owned by him or in his possession or control any pigs, goats, sheep, horses or cattle within 50 feet of any building used for human habitation

25.1603 Animals not permitted in space between highway and sea.

Case Code : ASCA 25.1603 (1972)

No pigs, chickens or other animals may be kept in the space between the highway and the sea

25.1604 Confinement of animals near bodies of fresh or salt water prohibited.

Case Code : ASCA 25.1604 (1972)

No pigpens, chicken coops, or other areas or structures for confining animals may be placed directly over any stream, river, brook, pond, or other body of fresh or salt water. Pigs or other domestic animals

25.1605 Confinement areas for animals to be kept sanitary.

Case Code : A.SCA 25.1605 (1972)

All poultry houses, yards, coops, pigeon runs, rabbit hutches, dog kennels, pens, barns, stables, or other structures or enclosures for any fowl or animal shall be kept clean and free from any accumulation

26.0207 Land use permit application procedures, fees, and penalties

Cite as [A.S.A.C. § 26.0207]

A. Applicability. All persons proposing to undertake any action which may cause or threaten an adverse impact to coastal resources shall apply for a land use permit, except where specifically exempted by law.

1. A land use permit means a written authorization signed by the Director on an approved form that authorizes a specified party to undertake a specified project, use or action.

2. A land use permit application is necessary for all physical project work, including, but not limited to, site preparation, filling, grading, dredging, excavation, and erection or siting of structures.

B. Burden on applicant. In all cases, the burden is on the applicant to obtain the proper permits and signatures required for the project prior to commencement of the work. Federal permits may also be necessary for certain projects. The American Samoa Coastal Management Program will make reasonable attempts to assist a land use permit applicant with federal permit application requirements; However, obtaining federal and territorial permits and approvals, such as from the Zoning Board and the Territorial Planning Commission, remains the responsibility of the applicant.

C. Preapplication consultation. A preapplication consultation may be held between prospective land use permit applicants and the American Samoa Coastal Management Program to determine the likelihood of the project, use or action being proposed having an adverse impact on coastal resources requiring a land use permit. If so determined, the American Samoa Coastal Management Program shall make a preliminary determination whether the project constitutes a major or minor project and shall assist the applicant in identifying the information required to submit a land use permit application. The American Samoa Coastal Management Program shall also assist the applicant in understanding the applicable provisions and procedures of the Act and the provisions of this chapter and shall assist the applicant in scheduling any necessary subsequent meetings.

D. Scoping meetings for major projects. For those projects, uses or activities of sufficient complexity that benefits might be derived from preliminary assessment by several agencies, a scoping meeting of the Board, and other invited agency and members of the public, may be requested by the prospective applicant or any member of the Board. Such scoping meetings shall be solely for the purpose of discussing conceptually the proposed project, in order to obtain preliminary feedback as to the type and degree of impact analysis that may be required, and to determine, if possible, any other local and federal permits that may be required.

E. When to file. Land use permit application forms shall be made available at the Department of Commerce. The completed land use permit application shall be filed with the Department of Commerce for review at any time during normal business hours.

F. Application package.

1. The land use permit application shall be accompanied by the following documents:

a. a vicinity map;

b. a fully dimensioned site plan that shall include topographic data at a scale appropriate to discern the principal features of the site, a functional floor plan, a container plan, and a parking plan;

c. an erosion control plan necessary to reduce non-point source pollution that includes existing contours and proposed final grading of the site, existing and proposed drainage, a description of adjacent and down slope sites, and a narrative of how the proposed drainage plan will impact those sites;

d. a federal consistency certification (or if a federal agency, a consistency determination) and an environmental assessment, if applicable; and

e. any other supporting documentation that may be required by law or by the provisions of the chapter.

2. All information submitted with the application or at any other time in the review process shall be public information, provided that certain proprietary information, not material to a review of project compliance, may be withheld if requested in writing to the Chair and such request is approved.

G. Information requirements. The land use permit application shall contain at a minimum the following information:

1. applicant's name, mailing address, and telephone number;

2. applicant's representative, if any, and architect, engineer or contractor, if any, including their mailing address and telephone number;

3. applicant's interest in the project site, e.g., owner, lessee;

4. name of the landowner or the matai for the project site;

5. signature of the matai, if communal land;

6. signature of the pulenu'u, if communal land;

7. signature of the secretary of Samoan Affairs if, communal land;

8. signature of the Governor, if government land;

9. copy of the legal title to the land, if privately owned land;

10. copy of lease or license agreement, if title is held under such agreement;

11. project name and description;
12. concise written narrative describing the project and its function;
13. site description and location;
14. construction methods, including dredge, fill or excavation requirements, if any;
15. total project cost for all projects and, if federal funds are involved, funding source;
16. distance of project from the shoreline, if project is located within two hundred feet (200') of the shoreline;
17. current and projected utility requirements and connections, including streets, sewer, water, electricity, fuel (including storage on site) and all existing and proposed line locations, including size and engineering requirements;
18. statement of compliance with the policy objectives of the American Samoa Coastal Management Program
19. copies of all correspondence on the project with the Board member agencies or any other governmental agency; and
20. copies of all federal permits or applications or documentation from the appropriate agency showing that the project is being carried out pursuant to an existing federal permit, license, or grant.

H. Declaration of applicant. A land use permit application shall include a signed declaration by the applicant that the information supplied in the land use permit application, including all exhibits and attachments, is true and correct, under penalty of law.

I. Administrative fees and penalties. At the time of filing a land use permit application, payment of an administrative fee is required. The "Cost of Project" shall be determined in accordance with the Uniform Building Code as adopted in the Territory, and shall include all improvements associated with the project. There shall be no administrative fee for government agency-funded projects or projects of not-for-profit U.S. Internal Revenue Code § 501(c)(3) corporations; however, penalties shall be assessed for government and not-for-profit projects that commence prior to the Director issuing a land use permit.

1. Administrative fees shall be set in accordance with the following fee schedule:

- a. Exempt and grandfathered projects requesting certification for utility connection: no administrative fee.
- b. Minor and major projects: fees shall be determined by the actual cost of the project or the anticipated value of the project, whichever is greater.

(i) Less than \$10,000	\$10
(ii) \$10,000 to \$29,999	\$25
(iii) \$30,000 to \$49,999	\$50
(iv) \$50,000 to \$249,999	\$150
(v) \$250,000 to \$499,999	\$300
(vi) \$500,000 to \$1,000,000	\$500

(vii) For each additional \$1,000,000 increment or portion thereof, there shall be assessed an additional fee of \$500.

2. After-the-fact penalty for filing a land use permit application after work commenced.

a. In addition to the land use permit fee and other penalties provided by law or the provisions of this chapter, a penalty of \$100 or 200% of the land use permit fee, whichever is greater, shall be assessed for a project for which physical work has been commenced prior to receiving a valid land use permit.

(i) Less than \$10,000	\$100
(ii) \$10,000 to \$29,999	\$100
(iii) \$30,000 to \$49,999	\$100
(iv) \$50,000 to \$249,999	\$300
(v) \$250,000 to \$499,999	\$600
(vi) \$500,000 to \$1,000,000	\$1,000

(vii) For each additional \$1,000,000 increment or portion thereof, there shall be assessed an additional penalty of \$1,000.

b. The Board shall not issue a land use permit until all administrative fees, after-the-fact penalties, stop work orders, or citations, as consistent with this chapter, are resolved.

J. In the case of work commenced without a land use permit, should the Board determine that the applicant is not eligible for a land use permit, the applicant shall restore the site to its pre-work condition.

1. If the applicant refuses or is unable to take the required remedial action, the American Samoa Government may perform the necessary remedial action, and

2. the applicant shall be financially responsible for all costs associated with the necessary remedial action to restore the site to its pre-work condition.